ADMINISTRATIVE PROCEDURES FOR PREPARING AN ENVIRONMENTAL IMPACT ASSESSMENT

Prepared by

Energy Resources Conservation Board
and
Alberta Environmental Protection

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The Alberta Environment Assessment Process for Energy Projects

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Legislation - *Environmental Protection and Enhancement Act (EPEA), Chapter E-13.3 1992 - Part 2, Division 1)*

- *Environment Assessment Regulation (EAR)*

ADMINISTRATIVE PROCEDURES

Initial Review

Flowchart Step 1

Projects may be brought to the Director's (Environment Assessment Division) attention by other directors (EPEA sec.39), government departments or agencies, the proponent or the public. The Director may advise, by notice in writing, a proponent that he will be subject to an initial review (EPEA sec.42(1)).

Proponent should be advised to contact the Director early in their planning process to determine the requirements of the EIA process.

Flowchart Step 2

The Director will advise the proponent in writing that:

(a) the proposal is a mandatory activity (EAR Appendix) and an EIA is required. The proponent proceeds to Flowchart Step 7.

- The proponent may wish to meet with the EIA Review Group (government departments involved in the EIA review) and ERCB to scope the government's Terms of Reference for the study.

(b) the proposal is an exempted activity (EAR Appendix) and no EIA is required. Proponent proceeds in regulatory process.

(c) after an initial review, no further consideration under the environmental assessment process is required (EPEA sec.42((1)(b)(ii)).

(d) further assessment of a proposed activity is required (EPEA sec.42(1)(b)(i). The proponent will be required to submit a Disclosure Document (EPEA sec.42(2)) for screening. Guidelines for the document are given in Attachment 2.

Project Screening

Flowchart Step 3

Proponent publishes notice (EPEA sec.42(5)) that the project proposal is being screened, availability of Disclosure Document and that any person directly affected may submit a Statement of Concern to the Director (EAR 3). Publication must be in at least one newspaper approved by the Director.

Disclosure Document is reviewed by EIA Review Group and ERCB. Comments are submitted to EIA Project Co-ordinator.

Public have at least 30 days from publication date to submit Statement of Concern. The Director may extend this time period.

Copies of Statements of Concern are provided to ERCB coordinating department.

Flowchart Step 4

A screening report is prepared by AEP under EPEA sec.43(1)(a) and according to EAR sec.4(1). Copy is provided to ERCB.

Screening Decision

Flowchart Step 5

The Director (EPEA sec.43(1)(b) on the basis of the screening report and Statements of Concern (EPEA sec.44) decides that:

(a) no EIA is required

- Minister may over-ride decision and order an EIA. Minister's discretion may be used to order an EIA for an exempted activity (EPEA sec.45).

- Proponent advised and proceeds in regulatory process

(b) an EIA is required and proponent is informed in writing.

Flowchart Step 6

Screening report and decision are public documents available from the Register of Environmental Assessment Information. This constitutes providing public notice (EAR sec.4(2) and sec.5(1)).

Director provides notice of decision to each person who submitted a Statement of Concern (EAR sec.5(2)).

Development of Terms of Reference

Flowchart Step 7

Proponent prepares Proposed Terms of Reference for the EIA.

Flowchart Step 8

Proponent publishes notice on availability to the public of Proposed Terms of Reference in at least one newspaper approved by the Director (EAR sec.6)

Public may submit comments to Director

- No restriction on who may respond
- No specified time limit for responses, usually 30 to 60 days

Flowchart Step 9

AEP prepares the final Terms of Reference and a copy is provided to the ERCB coordinating department.

The Final Terms of Reference are filed in the Register (EAR sec.7(2)).

AEP publishes notice on the availability of the Terms of Reference (EAR sec.7(1)) in at least one newspaper.

Submission of EIA

Flowchart Step 10

Proponent completes EIA and submits it as part of the total application to the ERCB.

- Application referred to Environment Assessment Division who coordinate the government review of the application.

- Requests for Supplementary Information, i.e. deficiencies, and the proponents response are via the ERCB.

The proponent publishes notice within 10 days of submitting the EIA advising interested parties on the availability of the EIA or a summary of the EIA (EAR sec.8).

> The proponent should record requests for the EIA or summary and provide this list of concerned parties to the ERCB.

AEP will advise the ERCB when the EIA is complete and ERCB proceeds with disposition of the application.

Attachment 1
Flowchart of the EIA Process

ENVIRONMENTAL PROTECTION ENHANCEMENT ACT EIA PROCESS FOR ENERGY PROJECTS

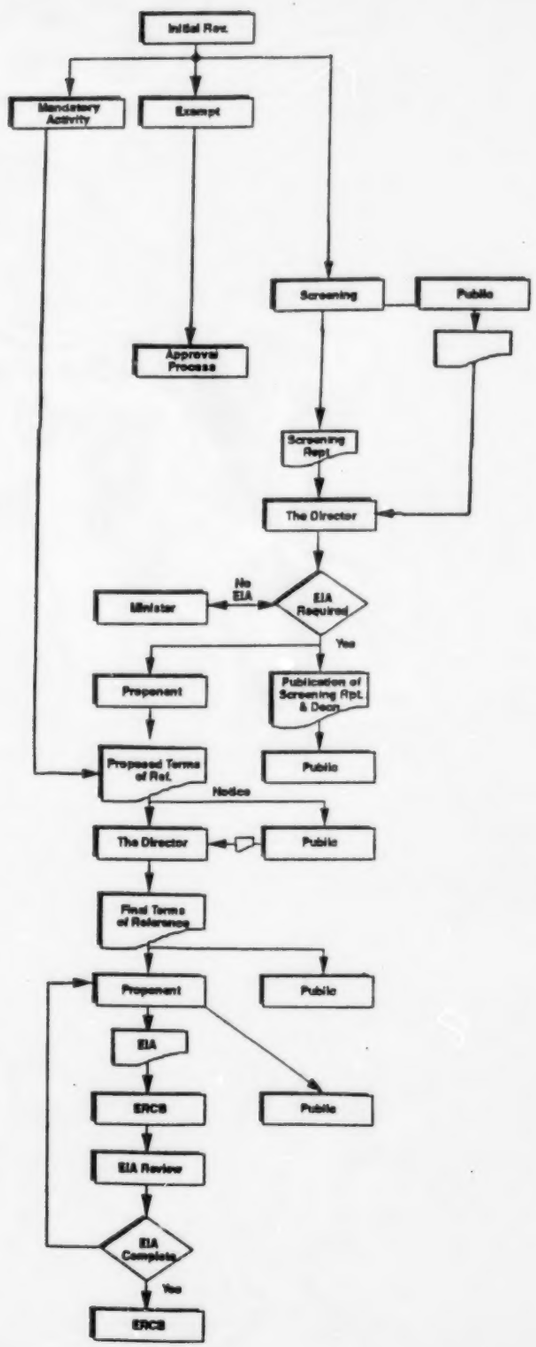
Initial Review

Project Screening

Screening Decision

Development of Terms of Reference

Submission of EIA



1. Projects brought to Director's attention by other AEP directors,(Ref. EPEA 39) proponent or public. (Ref. EPEA 42(1))

2. Proponent advised, in writing, by the Director:

   (a) mandatory EIA - type of project on Mandatory EIA List (Ref. EPEA 42(1)(a))
   (b) exempt, no EIA required (Ref. EPEA 42(1)(b)(ii) or EAR Appendix)
   (c) environmental impacts minimal and further consideration is not required
   (d) non-mandatory, screening necessary (Ref. EPEA 42(1)(b)(i))

   Proponent may be required to submit a Disclosure Document (EPEA 42(2)). Publication of notice of screening, details must be approved by Director

   - ERCB department involved in decision on whether project is exempt or should be screened

3. Screening by a multi-department group including ERCB.

   - Proponent publishes notice, provides information (the Disclosure Document)
   - Public have at least 30 days (Director may extend) to submit Statement of Concern. Copies of Statement of Concern provided to ERCB.

4. Screening report prepared by AEP. (Ref. EPEA 43(1)(a))

   - copies provided to ERCB, proponent and submitters of Letter of Concern.

5. Director's decision
   No EIA - Reviewed by Minister (Ref. EPEA 45). Director advises proponent and each party submitting a letter of concern.

   EIA required - proponent advised in writing, direct notice of decision to submitters of Letters of Concern

6. Publication of Screening Report and decision are filed as public documents in the Register.

7. Proponent prepares Proposed Terms of Reference. ERCB involved in review of Draft Terms of Reference. (Ref. EPEA 46(1))

8. Proponent publishes notice on Proposed Terms of Reference. No restriction on who may respond, no time limit specified normally 30 to 60 days. Copies of public responses forwarded to ERCB.

9. Director publishes the final Terms of Reference in Register and a newspaper having general circulation in area. Copy of Final Terms of Reference provided to ERCB.

10. EIA submitted to ERCB for energy projects as part of overall application. (Ref. EPEA 48)

    Proponent publishes notice of EIA within 10 days of submitting

    AEP coordinates government review

11. AEP advises ERCB when EIA is judged to be complete.

Attachment 2

Guidelines For Preparation Of Disclosure Documents

Guidelines for Preparation of Disclosure Documents

General Information

1. State the name of the proponent and person(s) designated as a contact for information about the proposed activity.

2. Provide an address and telephone number that the public can use to contact the proponent and get information about the project.

3. Provide a brief discussion on the size of the activity, its scope, and if appropriate, the phasing of its development.

4. Provide the legal description of the activity and show its proposed location on a map at an appropriate scale.

5. Provide a map showing the legal land description, boundaries of the proposed site and development area, major existing infrastructure, adjacent land uses, and any significant environmental features (i.e., water courses).

6. Provide a brief discussion describing the purpose of the proposed activity.

Project Description

The project description is intended to identify, in a conceptual level of detail, the basic features of the project, its location, size, and if appropriate, the process technology that is intended for the proposed activity.

1. Provide a site plan of the proposed activity illustrating:

   (a) the location of existing buildings and facilities (if appropriate);

   (b) the location of the proposed components of the activity; and

   (c) the location of any infrastructure required to service the proposed activity include utilities, rail and road access and the location of lands that are not intended to be developed.

2. Where appropriate, provide a schematic drawing and discussion of the proposed components of the activity, production processes, technology and the capacity of the respective production processes.

3. Provide an estimate of the type of solid waste, liquid effluent and gaseous emissions expected from the project, and briefly discuss the plans for their treatment and disposal.

4. Identify the expected volume of water required for the proposed activity and indicate its source and availability.

Environmental Matters

1. Provide a brief biophysical description of the site, and as appropriate, have regard for soil, topography, vegetation, wildlife and surface and ground water.

2. Identify those features of the project having implications for environmental protection, and briefly discuss plans to be put in place to address them.

Community Information

1. Provide an estimate for the start and completion of construction, and the number of construction and operational employees.

Proposed Public Notification Content

Proposed Public Notification Content

1. Notice should be in regional newspapers in area

2. Notice should contain the following points:

   (a) that proponent is proposing a development (brief project details)

   (b) location of project (municipality and legal description)

   (c) that Alberta Environmental Protection is reviewing the project to determine the need for an Environmental Impact Assessment

   (d) that persons who are directly affected may file statements of concern, in writing, with the Director of Environmental Assessment Division - Alberta Environmental Protection, describing the nature of their concerns and advising why they are directly affected

   (e) that statements of concern may be filed within 30 days of Notice (provide a date)

   (f) that information about the project may be obtained by contacting the proponent and noting locations where information is available.

3. Director
   Environmental Assessment Division
   Alberta Environmental Protection
   6th Floor, Oxbridge Place
   9820 - 106 Street
   Edmonton, Alberta
   T5K 2J6

Attachment 3

Environmental Impact Assessment Deficiency Criteria Guidelines

Deficiency Criteria Guidelines

General

When reviewing an EIA report for deficiencies, reviewers should have regard for the following guidelines to assist in the identification of deficiencies in an EIA report to ensure that it has addressed the Terms of Reference, and is suitable for discussion at a public hearing. The Terms of Reference are prepared through a scoping process where government agencies contribute their questions and information requirements. The purpose of the EIA is to provide information to assist decision-makers and the public to understand the environmental consequences of a proposal and to determine if the project is in the public interest.

Public participation is a fundamental component during all stages of the EIA process. The public must be made aware of the proposal and that their views are addressed in the EIA report and subsequent deliberations. As appropriate, information about the environmental consequences of a proposal may also be obtained through questions of the proponent at a public hearing and subsequently during the consideration of specific environmental regulatory applications. In addition, the public review body, following its review, may impose conditions and make recommendations arising from its review of an application which includes an EIA report.

Should reviewers have any questions about the EIA deficiency review process and its objectives, as well as level of detail desired, they should contact the EIA Coordinator for the project.

Guidelines

When reviewers examine an EIA report for deficiencies, they should:

1. identify deficiencies in relation to the Terms of Reference issued by Alberta Environmental Protection for the EIA report;

2. focus their attention on major impact which have potential for significant adverse effects;

3. ask for information pertinent to the EIA report. Avoid requests for information which would normally be provided at a later date, for example, for subsequent regulatory approvals, after a determination has been made by the appropriate body that the project is in the public interest and will proceed;

4. when there is an identification of requests for information, which could result in a significant time delay or cost to the proponent these should be brought to the attention of the EIA Coordinator immediately;

5. avoid lengthy preambles or comments on the nature and quality of the information that is under review. Reviewers should be prepared to discuss their rationale for a question with the EIA Coordinator either in writing or verbally;

6. combine similar questions into a more general question that will enable follow-up questions to be asked at a public hearing.

7. use the public hearing, if necessary, for the following types of questions:

   (a) those which do not require advance research by a proponent

   (b) those which require additional clarification of the information contained in the deficiency response.